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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/511,806

10/19/2004

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

PAUL, DISLER

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

09/17/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/511,806	Applicant(s) OOMEN ET AL.	
	Examiner DISLER PAUL	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17; 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16; 19 is/are allowed.
- 6) ☒ Claim(s) 20-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 17 is rejected under 35 U.S.C. 101 because the claimed invention is directed to **non-statutory subject matter**. The claimed “machine readable medium” is non-structural per se, **and the specification does not disclose, there is not clear definition of such “computer readable medium”**. And thus, a reasonable interpretation in light of the specification leads to the conclusion that the claim encompasses pure software, which does not fall within the definition of a process, machine, manufacture.

Therefore, the applicant’s need to amend claim (5) to cover a non-transitory medium, thus, the applicant may amend claim 17 by citing **“a non-transitory computer medium”** as **one of many alternatives** by the applicant.

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 20-21 are rejected under 35 U.S.C. 101 because the applicant is claiming **both “a machine”** as **recited in the claim 20** and also **“process”** claim recited in the

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preamble based on claim 1. Thus, the applicant's need to amend the claim to cite **only one "statutory subject matter"**.

Allowable Subject Matter

Claims 1-16; 19 are allowed.

In regard to independent claims 1, while, the prior art of record disclose of a method of encoding a multi-channel audio signal comprising at least two audio channels, the method comprising the steps of: generating a single channel audio signal from the at least two audio channels and encoding, using an encoder, the single channel audio signal into a bit stream as an encoded single channel audio signal; generating information from the at least two audio channels allowing to recover with a required quality level the multi-channel audio signal from the single channel audio signal and the information and combining the information and the single channel audio signal; wherein the generating information step comprises the steps of: determining a first portion of the information for a first frequency region of the multi-channel audio signal using a parameter determining circuit and encoding, using a parameter coder; the first portion of the information into bit stream as an encoded first portion of the information ;determining a second portion of the information for a second frequency region of the multi-channel audio signal, using the parameter determining circuit, the second frequency region being a portion of the first frequency region and encoding, using the parameter coder , the second portion of the information into the bit stream as an encoded second portion of the information.

However, none of the prior art of record as in combination further disclosed of such wherein the second portion is differentially coded with respect to the first portion.

Claims 2-7; 10; 13 have been analyzed and allowed for their dependence on the allowable claim 1.

Similarly independent claims 14; 17 which cite the same claim feature as in claim 14 have been analyze and allowed.

Claims 15-16 have been analyzed and allowed for their dependence on the allowable claim 14.

In regard to independent claims 8, while, the prior art of record disclose of a method of encoding a multi-channel audio signal comprising at least two audio channels, the method comprising the steps of: generating a single channel audio signal from the at least two audio channels and encoding, using an encoder, the single channel audio signal into a bit stream as an encoded single channel audio signal; generating information from the at least two audio channels allowing to recover with a required quality level the multi-channel audio signal from the single channel audio signal

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and the information and combining the information and the single channel audio signal; wherein the generating information step comprises the steps of: determining a first portion of the information for a first frequency region of the multi-channel audio signal using a parameter determining circuit and encoding, using a parameter coder; the first portion of the information into bit stream as an encoded first portion of the information ;determining a second portion of the information for a second frequency region of the multi-channel audio signal, using the parameter determining circuit, the second frequency region being a portion of the first frequency region and encoding, using the parameter coder , the second portion of the information into the bit stream as an encoded second portion of the information.

However, none of the prior art of record as in combination further disclosed of such wherein characterized in that the first frequency region substantially covers a full bandwidth of the multi-channel audio signal, the second frequency region covers a portion of the full bandwidth, and in that the determining of the second portion of the information is adapted to determine sets of parameters for both the second frequency region and a set of further frequency regions, the second frequency region and the set of further frequency regions substantially covering the full bandwidth ; wherein the set of further frequency regions comprises at least one further frequency region.

Claims 9; 11-12 have been analyzed and allowed for their dependence on the allowable claim 8.

Similarly, Re independent claims 16, which incorporated feature of the allowed claim 14, in the claim has also been allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DISLER PAUL whose telephone number is (571)270-1187. The examiner can normally be reached on 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on (571) 272-78-48. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. P./

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Examiner, Art Unit 2614

/Devona E. Faulk/

Primary Examiner, Art Unit 2614